
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

TRAMAINE PAYTON,

Movant,

versus

UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO. 1:08-CV-101

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE’S REPORT AND RECOMMENDATION**

Movant Tramaine Payton, an inmate at the United States Penitentiary in Atwater, California, proceeding *pro se*, brought this motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends the respondent’s motion to dismiss be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED that the respondent shall, within thirty (30) days, file a response addressing the merits of movant’s motion to vacate, set aside, or correct sentence.

SIGNED at Beaumont, Texas, this 4th day of May, 2010.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE